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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

IRAN (ISLAMIC REPUBLIC OF)

1. The Committee considered the second periodic report of the Islamic Republic of Iran (CCPR/C/28/Add.15) at its 1193rd to 1196th, 1230th to 1231st, and 1251st to 1253rd meetings, held on 29 and 30 October 1992, 7 April 1993 and 22 and 23 July 1993 and adopted 1/ the following comments:

A. Introduction

2. The Committee expresses appreciation to the State party for its report, which largely followed the Committee's guidelines regarding the form and contents of reports (CCPR/C/20/Rev.1) and which contained detailed information on some laws and regulations relating to the implementation of the provisions of the Covenant. However, the Committee notes that the report contained little reference to the implementation of the Covenant in practice and provided virtually no information about factors and difficulties impeding the application of the Covenant in the Islamic Republic of Iran.

3. The Committee regrets that, despite the State party delegations' efforts to respond to the numerous queries raised by members, the responses were not complete and the concerns of the Committee have not been adequately answered.

1/ At the 1260th meeting, held on 29 July 1993.

B. Positive aspects

4. The Committee takes satisfaction in the resumption of its dialogue with the Islamic Republic of Iran after a period of nearly ten years. However, difficulties in the dialogue made it necessary for the Committee to invite the Islamic Republic of Iran to three consecutive sessions and the Committee appreciates the readiness of the State party to do so. It regards the request for the Committee's assistance in the State party's endeavour to bring its domestic law and practice more into line with the provisions of the Covenant as a particularly important feature of the State party representative's concluding remarks.

5. The Committee notes with interest the establishment of a Human Rights Office within the Ministry for Foreign Affairs, the measures under consideration in the Islamic Republic of Iran to improve the status of women and the promise to reconsider the question of corporal punishments. It also notes that efforts have been undertaken to develop an awareness of human rights on the part of senior officials of ministries and administrations, including the promise that the comments of the Committee would be brought to their attention. The Committee also appreciates the fact that, at the time of the Gulf war, more than 1.5 million refugees were sheltered by the Islamic Republic of Iran.

C. Factors and difficulties impeding the application of the Covenant

6. In view of the lack of transparency and predictability in the application of Iranian domestic law, the Committee has found it somewhat difficult to determine the extent to which the latter was compatible with the provisions of the Covenant. It also notes that numerous, explicit or implicit, limitations or restrictions associated with the protection of religious values, as interpreted by Iranian authorities, have also seriously impeded the enjoyment of some human rights protected under the Covenant.

7. Furthermore, the Committee observes that the emergency measures adopted by the authorities during the war with a neighbouring country, and the parallel destruction of the country's economy, have undoubtedly had negative effects on the enjoyment of the rights and freedoms provided for under the Covenant.

D. Principal subjects of concern

8. The Committee deplores the extremely high number of death sentences that were pronounced and carried out in the Islamic Republic of Iran during the period under review, many of which resulting from trials in which the guarantees of due process of law had not been properly applied. In the light of the provision of article 6 of the Covenant, requiring States parties that have not abolished the death penalty to limit it to the most serious crimes, the Committee considers the imposition of that penalty for crimes of an economic nature, for corruption and for adultery, or for crimes that do not result in loss of life, as being contrary to the Covenant. The Committee also deplores that a number of executions have taken place in public.

9. The Committee also condemns the fact that a death sentence has been pronounced, without trial, in respect of a foreign writer, Mr. Salman Rushdie, for having produced a literary work and that general appeals have been made or condoned for its execution, even outside the territory of Iran. The fact that the sentence was the result of a fatwa issued by a religious authority does not exempt the State party from its obligation to ensure to all individuals the rights provided for under the Covenant, in particular its articles 6, 9, 14 and 19.

10. In addition, the Committee is concerned about the many cases of extrajudicial executions, disappearances, torture and ill-treatment of persons deprived of their liberty that have been brought to its attention and which are described, inter alia, in the last report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1993/41).

11. Furthermore, the Committee considers that the application of measures of punishment of extreme severity, such as flogging, lapidation and amputation, is not compatible with the provisions of article 7 of the Covenant. It also has serious questions about requiring repentance from detainees as a condition of their release from custody.

12. The Committee also deplores the lack of respect for due process of law, particularly before the Revolutionary courts, where trials in camera tend to be the rule and where apparently no real possibility is provided to the accused to prepare a defence. The lack of an independent Bar Association also has an adverse effect on the administration of justice, in the view of the Committee.

13. The Committee observes that the persistence and extent of discrimination against women is incompatible with the provisions of article 3 of the Covenant and refers, in particular, to the punishment and harassment of women who do not conform with a strict dress code; the need for women to obtain their husband's permission to leave home; their exclusion from the magistracy; discriminatory treatment in respect of the payment of compensation to the families of murder victims, depending on the victim's gender and in respect of the inheritance rights of women; prohibition against the practice of sports in public; and segregation from men in public transportation.

14. The Committee considers that legal provisions allowing for the possibility of banishing individuals, preventing them from residing in the place of their choice, or compelling them to reside in a given locality, are not compatible with article 12 of the Covenant.

15. Furthermore, the Committee is concerned at the extent of limitations to the freedom of expression, assembly and association, exemplified by articles 6 and 24 of the Constitution and article 16 of the Law Pertaining to Activities of Parties, Societies and Political and Professional Associations, noting in this connection that, contrary to the provisions of articles 18 and 19 of the Covenant, members of certain political parties who did not agree with what the authorities believe to be Islamic thinking or who expressed opinions in opposition to official positions have been discriminated against. Self-

censorship also seems to be widespread in the media and severe limitations appear to have been placed upon the exercise of freedom of assembly and of association.

16. Finally, the Committee wishes to express its concern at the extent of the limitations and restrictions on the freedom of religion and belief, noting that conversion from Islam is punishable and that even followers of the three recognized religions are facing serious difficulties in the enjoyment of their rights under article 18 of the Covenant. The Committee is particularly disturbed about the extent of discrimination against followers of non-recognized religions, notably the Baha'is, whose rights under the Covenant are subject to extremely severe restrictions. In the foregoing connection, the Committee received no satisfactory answer regarding the destruction of places of worship or cemeteries and the systematic persecution, harassment and discrimination of the Baha'is, which is in clear contradiction with the provisions of the Covenant.

E. Suggestions and recommendations

17. The Committee recommends that the comments it had made in connection with the consideration of the second periodic report of the Islamic Republic of Iran should be studied by the authorities with a view to adopting necessary legal and practical measures to ensure the effective implementation of all the provisions of the Covenant. The Committee wishes, in particular, to emphasize the following suggestions and recommendations:

18. The Committee recommends that domestic laws should be revised with a view to curtailing the number of offences currently punishable by the death penalty and to reducing the number of executions. Public executions should be avoided and the accused should, in all cases, be provided with all necessary guarantees, including the right to a fair trial as provided for under article 14 of the Covenant.

19. Effective measures should be adopted to ensure the strictest observance of articles 7 and 10 of the Covenant. All complaints of extrajudicial executions, disappearances, torture and ill-treatment should be duly investigated, the culprits should be punished and measures should be taken to prevent any recurrence of such acts. Severe forms of punishment incompatible with the Covenant should be removed from law and practice and the conditions of detention of persons deprived of their liberty should be improved. The Committee also recommends that training courses should be organized for members of the police, the armed forces and the security forces as well as for other law enforcement officials, so as to better acquaint them with basic human rights principles and norms.

20. The Committee recommends that Iranian legislation and practice be brought into line with the provisions of articles 9 and 14 of the Covenant, which provide that all persons should have the right to a fair trial, including the assistance of counsel, the right to be brought promptly before a judge and the right to be tried in public. Urgent consideration should also be given to the abolition of the Revolutionary courts.

21. The Committee recommends that active measures should be taken to enhance the status of women in the Islamic Republic of Iran in accordance with articles 2, 3 and 23 of the Covenant and to guarantee their equal enjoyment of rights and freedoms.

22. The Committee recommends that its recently adopted General comment No.22 (48) be studied by the authorities to bring its legislation and practice into line with the requirements of article 18 of the Covenant. In that regard, the Committee wishes to emphasize that recognition of a religion as a State religion should not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents of other religions or non-believers, since the right to freedom of religion and belief and the prohibition of discrimination do not depend on the recognition as an official religion or belief. Measures restricting eligibility for government service to members of the predominant religion, or giving economic privileges to such persons, or imposing special restrictions on the practice of other faiths, are incompatible with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26.

23. The Committee also wishes to invite the Government of the Islamic Republic of Iran to undertake necessary steps to ensure that the rights enunciated in articles 17, 19, 21, 22 and 25 can be exercised without any limitations or restrictions other than those provided for in the Covenant.